

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

MICROSOFT CORPORATION,	)	
	)	
Plaintiffs,	)	8:06CV263
	)	
vs.	)	ORDER
	)	
JAY D. SMITH,	)	
	)	
Defendant.	)	

This matter is before the court on the motion for leave to withdraw of Adam H. Jacobs as counsel for the defendant (Filing No. 27). Mr. Jacobs states that he and the defendant have agreed to the withdrawal. However, the certificate of service for the motion does not show the motion was served on the defendant. Additionally, no substitute counsel has entered an appearance for the defendant. The defendant shall have an opportunity to respond to Mr. Jacob's motion or to have substitute counsel enter an appearance. Upon consideration,

**IT IS ORDERED:**

1. Adam H. Jacobs's motion to withdraw as counsel for the defendant (Filing No. 27) is held in abeyance.
2. The defendant shall have to **on or before November 29, 2006**, to respond to the motion to withdraw by filing a brief with the Clerk of Court. If no response is received or if substitute counsel has entered an appearance by that date, the motion to withdraw will be granted.
3. Adam H. Jacobs shall serve a copy of his motion and this order on the defendant and file a certificate of such service with the court.

DATED this 7th day of November, 2006.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge